

REMARKS

Applicant submits that this Amendment After Final Rejection places this application in condition for allowance by amending claims in manners that are believed to render all pending claims allowable over the cited art and/or at least place this application in better form for appeal. This Amendment is necessary to clarify certain claim limitations and was not earlier presented because Applicant believed that the prior response(s) placed this application in condition for allowance, for at least the reasons discussed in those responses. Accordingly, entry of the present Amendment, as an earnest attempt to advance prosecution and/or to reduce the number of issues, is requested under 37 C.F.R. §1.116.

In the event that the Office declines to enter the present Amendment, and (i) any portion of the present Amendment would place some of the claims in better form for appeal if a separate paper were filed containing only such amendments or (ii) any proposed amendment to any claim would render that claim allowable, Applicant respectfully requests that the Office inform Applicant of the same pursuant to MPEP §714.13.

By this amendment, claims 2-6, 9-13, 16-18, 20 and 21 remain canceled. Claims 1, 8, 15 and 19 have been amended. Claims 1, 8, 15 and 19 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, withdrawal of the final action, and allowance of the application, as amended, is respectfully requested.

Rejection under 35 U.S.C. §103

To provide further clarification of the novel and non-obvious subject matter of the present application, Claim 1 has been amended to more clearly articulate, and to remove any previous ambiguity of, the separate instances of identifiers in the claim. As presented, a broadcast network provides a specific identifier of multiple identifiers *that comprise globally unique group identifiers (group IDs)* for linking a content broadcast to

the specific broadcast driven group of peers. At an end-user site, the specific identifier is derived from (i) a further *identifier embedded in a broadcast stream*, (ii) a further *identifier embedded in an electronic program guide*, and (iii) a still further identifier. A greater detail of each identifier is as follows:

(i) The further *identifier embedded in the broadcast stream* comprises a **DNS name** of (i)(1) a broadcaster/service provider of the content broadcast or (i)(2) third party groups having a broadcaster negotiated link to the content broadcast. (See, for example, the present specification on page 2, lines 25-33).

(ii) The further identifier embedded in the electronic program guide comprises a **DNS name** of (ii)(1) a broadcaster/service provider of the content broadcast or (ii)(2) third party groups having a broadcaster negotiated link to the content broadcast. (See, for example, the present specification on page 2, lines 25-33 and page 3, lines 3-6).

(iii) The still further identifier comprises (iii)(1) a **program title** ... used as a *first identifier* for mapping a peer group identifier (peer group ID) into the derived specific identifier and (iii)(2) a **TV-anytime Content Reference Identifier** that is also used for mapping the peer group ID. (See, for example, the present specification on page 3, lines 19-23 and 4, lines 17-18).

In addition, while a broadcast network provides a specific identifier of multiple identifiers for linking a content broadcast to the specific broadcast driven group of peers, the end-user site derives the corresponding specific identifier. "When the broadcast content is linked to P2P groups, a *user who is watching an associated program, can immediately obtain links to P2P groups that are related to this program*, become a member of such group and use services offered within the group." This provides a clear advantage for the user: "an uninterested user is not bothered by this approach, whereas an interested user has the option to *access* the [P2P] groups *in a very convenient way.*" (See specification, page 2, lines 19-21 and page 3, lines 1-2). In other words, the **specific identifier**, derived at the end-user site, of a specific *broadcast driven group of*

peers **enables end-users to easily become peers** and to connect and interact via a broadcast driven virtual private network connection formed within the P2P network **specifically within the context of the broadcast**. (See, for example, the present specification on page 4, lines 17-18).

Claims 1, 8, 15 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. US 2003/0237097 A1 to *Marshall et al.* ("Marshall") in view of U.S. Patent No. US 7,552,460 B2 to *Goldman, Phillip Y.*, ("Goldman") and further in view of U.S. Patent Publication No. 2003/0120634 A1 to *Koike et al.* ("Koike"). With respect to claim 1, Applicant respectfully traverses this rejection on the grounds that the **Marshall**, **Goldman** and **Koike** references are defective in establishing a *prima facie* case of obviousness.

Independent claim 1, as now presented, more clearly recites, *inter alia*, the specific feature limitation of "deriving ... at an end-user site the *specific identifier* (i) from a *further identifier*, that comprises a *DNS name* of (i)(1) a *broadcaster/service provider* of the content broadcast or (i)(2) *third party groups* having a broadcaster negotiated link to the content broadcast, *embedded* in a broadcast stream, (ii) from a *further identifier*, that comprises a *DNS name* of (ii)(1) a *broadcaster/service provider* of the content broadcast or (ii)(2) *third party groups* having a broadcaster negotiated link to the content broadcast, *embedded* in an electronic program guide (EPG) ..., and (iii) from a *still further identifier* that comprises (iii)(1) a *program title* being representative of the content broadcast that is used as a *first identifier* for mapping a peer group identifier (peer group ID) into the derived specific identifier and (iii)(2) a *TV-anytime Content Reference Identifier* that is also used for mapping the peer group ID as part of the step of deriving" (emphasis added). Support for the amendments to claim 1 (as well as for claims 8, 15 and 19) can be found in the specification at least on page 2, lines 25-33; page 3, lines 3-6 and 19-23; and page 4, 17-18.

Applicant submits that neither Marshall, Goldman nor Koike discloses at least the aforementioned feature of independent claim 1. In addition, it is submitted that the citations to **Marshall, Goldman** and **Koike** do not disclose end-user site access via a *broadcast driven virtual private network connection* within the peer-to-peer network to the specific broadcast driven group of peers and a *corresponding specific broadcast driven virtual private network* that improves the **scalability of the** virtual private network **connection** of the specific broadcast driven group of peers ... via the mapped peer group ID of the derived specific identifier. Accordingly, without conceding the propriety of the asserted combination, the asserted combination of **Marshall, Goldman** and **Koike** is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The Office Action contends that "**deriving ... the specific identifier (i) from a further identifier embedded in a broadcast stream of the content broadcast in response to a reception of the content broadcast**" is supported by "using the same embodiment, and with *Goldman's* teachings of an Electronic Programming Guide (EPG) with various identifiers, along with the content being broadcasted from other peers or other PVR devices contains the metadata identifiers, a specific or particular identifier can be derived or extracted from another further identifier within the EPG, (e.g., *Marshall*: paragraphs [0014] and [0024] and *Goldman*: column 6, lines 55-60 and column 9, lines 44-49, and column 11, lines 23-43" (Office Action, page 6). This contention is respectfully traversed, in view of the present amendments to claim 1, which clarifies "**deriving ... the specific identifier (ii) from a further identifier, that comprises a DNS name of (i)(1) a broadcaster/service provider of the content broadcast or (i)(2) third party groups** having a broadcaster negotiated link to the content broadcast, **embedded in a broadcast stream** of the content broadcast in response to a reception of the content broadcast." Applicant respectfully submits that

neither Marshall nor Goldman teaches or suggests, alone or in combination, the immediately aforementioned feature of independent claim 1.

The Office Action further contends “**and [deriving ... the specific identifier] ... (ii) from a further identifier embedded in an electronic program guide (EPG) in response to selecting the content broadcast from the EPG, the further identifier being representative of the content broadcast**” is supported by “separately, *Marshall* also discloses of an EPG with associated indicators or other forms of identifiers for PVR units to pick up on, along with *Goldman*’s teachings of the EPG with identifiers for its buddy users and content data, e.g., *Marshall*: paragraph [0018-19] and *Goldman*: Figure 5, columns 9, lines 44-49, column 10, lines 62-64, column 11, lines 1-7 and 33-40” (Office Action, page 6). This contention is respectfully traversed, in view of the present amendments to claim 1, which clarifies “**deriving ... the specific identifier ... (ii) from a further identifier, that comprises a DNS name of (ii)(1) a broadcaster/service provider of the content broadcast or (ii)(2) third party groups having a broadcaster negotiated link to the content broadcast, embedded in an electronic program guide (EPG) in response to selecting the content broadcast from the EPG.**” Applicant respectfully submits that neither Marshall nor Goldman, alone or in combination, teaches or suggests the immediately aforementioned feature of independent claim 1.

The Office Action concedes that “*Marshall* and *Goldman* both do not expressly disclose of a TV-anytime Content Reference Identifier.” (Office Action, page 6). However, the Office Action contends that the limitation “**wherein the further identifier comprises a TV-anytime Content Reference Identifier that resolved into a peer group as part of the step of deriving**” is supported by “*Koike* more expressly discloses the concept of incorporating and using TV-Anytime Content Reference Identifiers (e.g., *Koike*: paragraphs [0059-60]), which can be implemented and used within the EPG, which contains all the various other identifiers and associated to the

multiple groups of peers or buddies driven or fueled by their interests" (*Office Action*, pages 6-7). This contention is respectfully traversed, in view of the present amendments to claim 1, which clarifies "deriving ... the specific identifier ... and (iii) from a *still further identifier* that comprises (iii)(1) a *program title* being representative of the content broadcast that is *used as a first identifier* for *mapping a peer group identifier* (peer group ID) into the derived *specific identifier* and (iii)(2) a *TV-anytime Content Reference Identifier* that is also *used for mapping* the *peer group ID* as part of the step of deriving." Applicant respectfully submits that *neither Marshall, Goldman, nor Koike* teaches or suggests, whether alone or in any combination, the immediately aforementioned feature of independent claim 1.

Thus, it is respectfully submitted that the explicit combination of identifiers, as discussed herein and now more clearly recited in claim 1, are *neither taught nor suggested* by the associated networks of **Marshall, Goldman and Koike**. Thus, **Marshall, Goldman and Koike** references cannot reasonably be interpreted to disclose the aforementioned explicit feature of independent claim 1, nor do they add anything that would remedy the aforementioned deficiency indicated herein above.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 1 under 35 U.S.C. §103 are respectfully requested. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

Claims 8, 15 and 19 have been amended in a manner similar to the amendments to claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claims 8, 15 and 19 are believed allowable and an early formal notice thereof is requested. The 35 U.S.C. §103(a) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

EXPEDITED PROCEDURE

PATENT

Appl. No. 10/596,457

Response to Final Action of August 12, 2011

Docket No. 2003P02915WOUS

Customer No. 24737

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application. In addition, the Office Action contains a number of statements characterizing the claims, the Specification, and the prior art. Regardless of whether such statements are addressed by Applicant, Applicant refuses to subscribe to any of these statements, unless expressly indicated by Applicant.

The matters identified in the Office Action of August 12, 2011 are now believed resolved. Accordingly, the application is believed to be in proper condition for allowance. The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. Withdrawal of the Final Action and issuance of an early formal notice of allowance of claims 1, 8, 15 and 19 is requested.

Respectfully submitted,

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